

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

In re:)
ETOYS, INC., et al.,) Case Nos. 01-0706 (MFW)
Debtors.) through 01-0709 (MFW)

ROBERT K. ALBER,)
Appellant,)
v.) Civ. No. 05-830-SLR,
TRAUB, BONACQUIST & FOX LLP,) procedurally consolidated with
BARRY GOLD, MORRIS NICHOLS) Civ. No. 05-831-SLR
ARSHT & TUNNELL LLP, and)
POST-EFFECTIVE DATE COMMITTEE)
OF EBC I, INC.,)
Appellees.)

MEMORANDUM ORDER

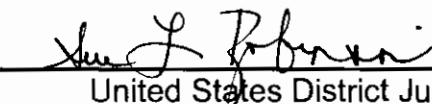
At Wilmington this 12th day of June, 2007, having reviewed the pending motions for reconsideration in the above captioned cases, as well as the papers submitted in connection therewith;

IT IS ORDERED that the motions (D.I. 56, 57) are denied for the reasons that follow:

1. The purpose of a motion for reconsideration is to "correct manifest errors

of law or fact or to present newly discovered evidence." Max's Seafood Café ex rel. Lou-Ann, Inc. v. Quinteros, 176 F.3d 669, 677 (3d Cir. 1999). Accordingly, a court may alter or amend its judgment if the movant demonstrates at least one of the following: (1) a change in the controlling law; (2) availability of new evidence not available when summary judgment was granted; or (3) a need to correct a clear error of law or fact or to prevent manifest injustice. See id.

2. Appellant has failed to demonstrate any of the aforementioned grounds to warrant a reconsideration of the court's memorandum order dated February 27, 2007.



United States District Judge